

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 KEITH RAAPPANA,

11 Plaintiff,

12 v.

13 INUI STEAMSHIP COMPANY, LTD.,

14 Defendant.

Case No. C06-5586FDB

ORDER DENYING PLAINTIFF'S
MOTIONS FOR EXTENSION OF
TIME AND TO FILE AMENDED
COMPLAINT

15 Plaintiff moves to file an amended complaint "[i]n order to facilitate full consideration of
16 whether the evidence of negligence presents a jury question" and "to more precisely reflect the
17 current understanding of the events leading to plaintiff's injury." Plaintiff seeks to add four new
18 allegations, three of which he states are based on the report of Plaintiff's maritime expert, Zachary
19 Reynolds and one related to Plaintiff's opinion that a member of the vessel's crew turned out the
20 crane tower lights and shut the crane pedestal door.

21 This motion will be denied. Discovery cut-off and amendment deadline was July 30, 2008.
22 Under Fed. R. Civ. P. 16(b)(4), a schedule may be modified with the Court's permission upon a
23 showing of good cause. This case was filed October 13, 2006; Plaintiff has had more than enough
24 time to set forth fully the theory of his case. The new allegations of negligence as to adequate
25

1 switching control for the lighting in the crane pedestal and as to an exit path at the base of the crane
2 that could be safely navigated without adequate lighting are not only too late, but they are based on
3 Plaintiff's expert Zachary M. Reynolds report, which this Court has excluded from evidence in a
4 separate order because the proffered testimony does not satisfy the requirements of FRE 702.
5 Moreover, the allegation concerning the exit path is irrelevant, as Raappana has stated that he made
6 it down the tower to the landing platform and that when he stepped down from a beam that was not
7 part of the exit path, he twisted his knee.

8 ACCORDINGLY, IT IS ORDERED:

- 9 1. Plaintiff's Motion for Relief from Pleading Amendment Deadline [Dkt. # 57] is DENIED;
10 2. Plaintiff's Motion to File Amended Complaint [Dkt. # 58] is DENIED.

11 DATED this 28th day of August, 2008.

12
13 

14 FRANKLIN D. BURGESS
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25